

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JUDITH RÉ,

Plaintiff,

v.

JODI R.R. SMITH, AND
BARNES & NOBLE, INC.,

Defendants.

Civil Action No. 04-11385-RGS

**STIPULATION WITHDRAWING DEFENDANTS' MOTION
FOR PROTECTIVE ORDER**

Plaintiff Judith Ré ("Ré") and defendants Barnes & Noble, Inc. ("B&N") and Jodi R.R. Smith (collectively with Ré and B&N, the "Parties"), by there undersigned counsel, hereby stipulate and agree as follows:

1. On September 29, 2004, Ré served a Notice of Deposition to B&N which directed B&N to appear at plaintiff's counsel's office in Boston, Massachusetts.
2. On October 15, 2004, B&N filed a motion for a protective order (Docket Nos. 10, 11 and 12) directing Ré to conduct B&N's deposition at its principal place of business in New York, New York.
3. On October 15, 2004, Ré agreed to conduct the deposition of B&N in New York, New York if B&N designated Hallie Einhorn ("Einhorn") as its witness.
4. B&N agreed to designate Einhorn as its witness and, therefore, B&N's 30(b)(6) deposition with Einhorn will take place on November 9, 2004 in New York, New York.
5. In light of the agreement to conduct the B&N deposition in New York, B&N hereby withdraws its motion for a protective order. B&N reserves its right to later seek costs and fees associated with bringing the motion pursuant to Fed. R. Civ. P. 26(c) and 37(a)(4).

Dated: October 28, 2004

PLAINTIFF JUDITH RÉ

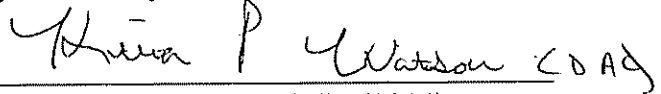
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